

KIMBERLY SMITH,)
)
Plaintiff,)
)
v.) CASE NO. 2:17-CV-489-WKW
) [WO]
SONYA MOMAN,)
)
Defendant.)

On June 20, 2018, the Magistrate Judge filed a Recommendation (Doc. # 74) to which no timely objections have been filed. After an independent review of the record and upon consideration of the Recommendation, it is ORDERED that:

1. The Magistrate Judge's Recommendation (Doc. # 74) is ADOPTED;
2. Sonya Moman's claims to the \$50,000.00 life insurance proceeds from group policy number 294131 are DISMISSED with prejudice for failure to obey court orders and failure to prosecute;
3. The life insurance proceeds at issue from group policy number 294131 are awarded to the sole remaining claimant — Kimberly Smith (decedent's daughter); and

4. The pending Motion for Summary Judgment by Kimberly Smith (Doc. # 64) and Smith's Motion to Compel Moman to Fully Respond to Discovery Requests by Smith (Doc. # 66) are DENIED as moot.

Prior to executing the remainder of this Order, the Clerk of the Court is DIRECTED to wait the requisite period for the expiration of the time for appeal, after the Clerk receives any necessary documentation from the payee, such as W-9 forms. If there is an appeal, then the Clerk of the Court shall delay payment pending resolution of the appeal. If no appeal is filed, then the Clerk of the Court shall proceed to the remainder of the Order.

It is further ORDERED that the Clerk of the Court issue a check drawn on ServisFirst Bank (designated bank), where the interpleader funds are deposited in a Money Market Account, for the principal amount of \$50,074.66, plus all earned interest, to date. This check shall be made payable to ServisFirst Bank (designated bank). The designated bank shall provide the Clerk of the Court with two official checks payable as follows:

1. To Kimberly Smith in the amount of \$50,074.66, plus 90% of all earned interest;
2. To the Clerk of the Court for 10% of all earned interest.

Pursuant to 28 U.S.C. § 1914(b) and FRDOC 91-26415 reported at 56 Fed. Reg. 56356 (November 4, 1991), and directions received from the Administrative

Office of the U.S. Courts on February 7, 1992, the Clerk of the Court shall pay into the U.S. Treasury an amount equal to ten percent (10%) of the earned interest as a fee for handling said interpleader funds. The Clerk is further DIRECTED to receipt said ten percent (10%) fee into the 510100 fund for the U.S. Treasury.

It is further ORDERED that the Clerk of the Court shall mail Plaintiff's check by certified mail, with a return receipt, to her attorney, James E. Long at his address of record.

DONE this 12th day of July, 2018.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE